UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 October 2007</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-8 and 19-22*</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-8 and 19-22*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.   Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.   Applicant's submission filed on October 24, 2007 has been entered.

Response to Amendment

2.   The amendment filed on October 24, 2007 has been fully considered but are not persuasive.

- Claims 9-18 have been withdrawn.

- Claims 1, 6, 19 and 21 have been amended

- Claims 1-8 and 19-22 are presented for examination.

Response to Arguments

For example, Barrett discloses "allocating and activating a multi-path channel group.., in response to a request from the

user application" (Barrett, col. 10:12-14), but does not teach
or suggest "receiving one or more lists of available resources
from one or more computer devices.., determining whether the
communication channel requires communication with at least one
of the computer devices; [and] instantiating, based on the list
of available resources for the required computer devices, the
communication channel with the application process using the
communication protocol," as recited in claim 1, as proposed to
be amended (emphasis added). Remarks, page 9.

Examiner respectfully disagrees. For example, Barrett teaches
(user application such as user application 60 in FIG. 4
communicates with the multi-path channel interface such as
interface 61 in FIG. 4 by means of messages directing the MPC to
allocate, activate, and deactivate multi-path channel groups,
and to start sending data and complete sending data. In response
to these signals, MPC 61 (or MPC 72) creates the logical multi-
path channel groups, activates these groups for actual
transmission of data and notifies the user to begin sending data
or to begin receiving data... Communication between the MPCs 61
and 72 is by way of exchange identification (XID) signals which
convey the necessary information to the remote partner for

enabling and disabling transmission paths. In accordance with
the present invention, these sub-channel activate signals
include means for activating unbalanced transmission groups and
for notifying the remote partner of currently available buffer
and data link sizes, thereby permitting dynamic changes in the
transmission group assignments to take advantage of, or to
conform to, the currently available facilities." (Col. 8, lines
49 to col. 9, line 10 and col. 10, lines 12-51). Barrett clearly
teaches notifying and exchanging list of resources between
remote partners and based on the list of information exchanged
(provided) initiating communication and sending data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness
rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at
the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

Claims 1-8 and 19-22 are rejected under 35 U.S.C. 103(a) as
being unpatentable over Barrett et al U.S. Patent Number
(5699532) hereinafter "Barrett" in view of Sridhar et al U.S.
Patent Number (6098108), hereinafter "Sridhar".

As per claim 1, 19 and 21, Barrett teaches a method comprising:

receiving one or more lists of available resources from one or more computer devices (user application such as user application 60 in FIG. 4 communicates with the multi-path channel interface such as interface 61 in FIG. 4 by means of messages directing the MPC to allocate, activate, and deactivate multi-path channel groups, and to start sending data and complete sending data. In response to these signals, MPC 61 (or MPC 72) creates the logical multi-path channel groups, activates these groups for actual transmission of data and notifies the user to begin sending data or to begin receiving data... Communication between the MPCs 61 and 72 is by way of exchange identification (XID) signals which convey the necessary information to the remote partner for enabling and disabling transmission paths. In accordance with the present invention, these sub-channel activate signals include means for activating unbalanced transmission groups and for notifying the remote partner of currently available buffer and data link sizes, thereby permitting dynamic changes in the transmission group assignments to take advantage of, or to conform to, the currently available facilities." (Col. 8, lines 49 to col. 9, line 10 and col. 10, lines 12-51);

receiving, from an application process, a document

specifying a communication protocol and a communication channel

"The XID message of FIG. 5 comprises a header field 90

identifying the type of local station, the address of the

destination and the length of the XID message. Field 91 carries

an identification of the multi-path channel group to be

activated while field 92 contains the status of the multi-path

channel group (active or inactive). Field 93 contains an

identification of a particular user protocol, for example, the

SNA protocol" col. 9, lines 8-31 and col. 16, lines 47-52);

reading the document (col. 7, lines 9-54);

determining whether the communication channel requires

communication with at least one of the computer device (col. 11,

lines 14-43);

instantiating, based on the list of available resources

from required computer devices ((Col. 8, lines 49 to col. 9,

line 10 and col. 10, lines 12-51), the communication channel

with the application process using the communication protocol (A

user application such as user application 60 in FIG. 4

communicates with the multi-path channel interface such as

interface 61 in FIG. 4 by means of messages directing the MPC to

allocate, activate, and deactivate multi-path channel groups,

and to start sending data and complete sending data" col. 8, lines 49-64 and col. 9, lines 39-59);

communicating with the application process using the communication protocol through the communication channel (col. 9, lines 39-59. See also col. 11, lines 44-51); and

receiving communications from the application process using the communication protocol through the communication channel (Once the sub-channels of a transmission group are physically enabled, one or more exchange identification (XID) messages are exchanged between the two ends of each sub-channel to prepare for the transmission of user data. As discussed in connection with FIGS. 5 and 6, part of this exchange may be to determine the user protocols and to negotiate desired transmission parameters such as buffer sizes or link sizes. Col. 8, lines 49-64 and col. 9, lines 39-59. See also col. 11, lines 44-51).

Although Barrett shows substantial features of the claimed invention, Barrett is silent regarding accessing properties (file) information reflecting addresses of computer devices. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Barrett, as evidenced by Sridhar USPN. (6098108).

In analogous art, Sridhar whose invention is about distributed directory for enhanced network communication discloses accessing properties information reflecting addresses of computer devices (col. 25, lines 9-56). Giving the teaching of Sridhar, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Barrett by employing the distributed directory system of Sridhar in order to provide communication services needed to communicate using specified enhanced communication protocol and to forward packets to the appropriate device based on the accessed network address.

As per claim 2, 20 and 22, Barrett teaches the method of claim 1 further comprising:

sending a request for data describing the application process and its requirements and receiving data describing the application process and its requirements (col. 9, lines 9-59. See also col. 11, lines 14-51).

As per claim 3, Barrett teaches the method of claim 2 wherein the data comprises process identification or degree of consumption of a resource by the application process (col. 7, lines 34-45 and col. 10, lines 12-30)

As per claim 4, Barrett teaches the method of claim 3 wherein the data further comprises a definition of the resource (col. 7, lines 34-45 and col. 10, lines 12-30 and fig. 5-6).

As per claim 5, Barrett teaches the method of claim 3 wherein the resource comprises one or more of a central processing unit, memory, socket bindings, memory storage space, and communication bandwidth (col. 7, lines 34-45 and col. 10, lines 12-30).

As per claim 6-8, Barrett shows performing actions (commands) such allocate, de-allocate process to the application process and wherein the action is one of start, stop, wait, resume, and change priority (Barrett's application process is capable of receiving and executing commands Col. 7, lines 34-45 and col. 8, lines 3-11 and 49-65).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin

Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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